

Serial No.: 10/591,450
Atty. Docket No.: P71418US0

REMARKS

As set forth herein, claims 1-31 have been amended to better conform with U.S. practice and to clarify the elements being claimed. Claims 1-31 are pending in the application. Claims 1, 25 and 28 are independent.

In the Requirement for Restriction mailed December 15, 2009, the Examiner correctly noted that the present application is subject to unity of invention practice under 37 C.F.R. 1.499, and thus PCT Rules 13.1 and 13.2 are applicable. Unity of invention requires that the claims share one or more common special technical features that define the contribution which the invention, considered as a whole, makes over the prior art.

The Examiner stated that the claims were directed to four Groups of inventions. In particular, the Examiner identified the claims as being divided into Group I, claims 1-13; Group II, claims 14-24; Group III, claims 25-27; and Group IV, claims 1 and 28-31.

The Examiner identified the special technical feature of claim 1 as being a liner with an open end having an annular first flange comprising a first hole for receiving a stoma, ureter or catheter and an outer member comprising a second hole for receiving a stoma, ureter or catheter and a second flange.

Serial No.: 10/591,450
Atty. Docket No.: P71418US0

Other special technical features were identified for each of the other three groups.

With respect to Group I, and claim 1 in particular, it appears from the Examiner's statement of the special technical feature thereof that the Examiner did not give consideration to the additional elements set forth in claim 1 specifying the special technical features, specifically that 1) that the outer receiving member flange and the second surface of the liner are adapted to be releasably adhered to each other and 2) *the release liner on the first surface includes an alignment element for aligning the inner bag liner flange in relation to the outer receiving member flange.* This defined special technical feature represents the contribution which the invention, considered as a whole, makes over the prior art.

As amended herein with regard to format to comply with U.S. practice, independent claims 1, 25 and 28 all share the common technical feature of an inner bag liner including an open end having an annular flange that includes a hole for receiving a stoma, ureter, or catheter, a first surface with an adhesive and a release liner, and a second surface adapted to be releasably adhered to the flange of the receiving member, with *the release liner on the first surface including an alignment element for aligning the inner bag liner flange in relation to the receiving*

Serial No.: 10/591,450
Atty. Docket No.: P71418US0

member flange. At a minimum, the defined special technical feature distinguishes the claimed invention over the prior art of U.S. Patent No. 5,785,695 to Sato et al. ("Sato"), U.S. Patent No. 5,591,144 to Smith et al. ("Smith"), and U.S. Patent No. 5,865,819 to Cisko, Jr. et al. ("Cisko").

Sato teaches fitting portions on two mating flanges (see column 3, line 60 to column 4, line 9), but does not disclose an alignment element on a release liner. Smith discloses an ostomy bag having an outer bag and an inner liner that are welded together prior to use such that alignment is not an issue for the user (see column 3, line 61 to column 4, line 3). And in Cisko, the outer pouch and inner pouch have separate adhesive flanges that are not connected to one another so that an alignment is not necessary (see column 2, lines 22-35).

Accordingly, claims 1, 25 and 28 meet the unity of invention requirement. Claims 2-25, 26, 27 and 29-31 also share this technical feature as claims properly dependent on the stated independent claims.

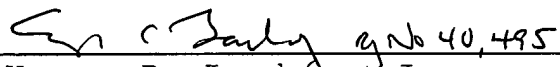
As all of the claims share one or more common special technical features that define the contribution which the invention, considered as a whole, makes over the prior art, unity of invention exists throughout pending claims 1-31. Withdrawal of the restriction requirement is therefore requested.

Serial No.: 10/591,450
Atty. Docket No.: P71418US0

With the foregoing elections of inventions and species,
the application is in condition for examination. Should the
Examiner have any questions or comments, the Examiner is
cordially invited to telephone the undersigned attorney so that
the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By 
for Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, NW
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
Date: January 15, 2010
HBJ:SCB